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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,124	12/15/2003	D. Kirk Grotjohn	RSW920030170US1	3601

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DUKE W. YEE
YEE & ASSOCIATES, P.C.
P.O. BOX 802333
DALLAS, TX 75380

EXAMINER

NGUYEN, CAO H

ART UNIT	PAPER NUMBER
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2173

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/736,124

Applicant(s)

GROTJOHN, D. KIRK

Examiner

Cao (Kevin) Nguyen

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-39 are not tangible. The preamble of independent claim 1, 12 and 33 recites "a method for indicating a directory location of currently visible elements while scrolling through a tree structure ", which is directed to software, per se, lacking any hardware to enable any functionality to be realized. The claimed features and elements of independent claims 1, 12 and 33 do not include hardware components or features that are necessarily implemented in hardware. Therefore, the claimed features of claims 1, 12 and 33 are actually a software, or at best, directed to an arrangement of software, and software claimed by itself, without being executed or implemented on a computer medium, is intangible.

To expedite a complete examination of the instant application, the claims rejected under 35U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of the applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Stead (US Patent No. 6,430,574).

Regarding claim 1, Stead discloses a method for indicating, in a graphical user interface, a directory location of currently visible elements while scrolling through a tree structure, comprising displaying data using a tree structure [...a tree data structure, nodes arranged in a parent-child structure; see col. 2, lines 35-43]; responsive to a user input to scroll through the data in the tree structure, determining whether a current ancestor hierarchy of an item is displayed in a designated section of the tree structure [...terminal nodes are typically characterized as having an ancestor node and no child nodes; see col. 2, lines 35-43]; and displaying the current ancestor hierarchy for the item in the tree structure in response to determining whether the current ancestor hierarchy of an item is displayed in a designated section (see col. 2, lines 44-64 and figures 1-2).

Regarding claim 2, Stead discloses wherein the display of the current ancestor hierarchy is updated as a new item is displayed in the designated section of the tree structure (see col. 6, lines 1-34).

Regarding claim 3, Stead discloses wherein scrolling through the data in the tree structure includes one of dragging a slider in a scroll bar, selecting an up/down button on a keyboard, selecting a page up/page down button on the keyboard, and clicking an up/down arrow on the scroll bar (see col. 1, lines 54-67 and figure 1).

Regarding claim 4, Stead discloses wherein the current ancestor hierarchy display is presented by replacing an existing area of the graphical user interface (see figures 1-2).

Regarding claim 5, Stead discloses wherein the current ancestor hierarchy display is presented by adding a dedicated area of the graphical user interface (see col. 10, lines 40-57).

Regarding claim 6, Stead discloses wherein the current ancestor hierarchy display is presented in a manner consistent with the tree structure (see col. 3, lines 11-47).

Regarding claim 7, Stead discloses wherein the designated section of the tree structure includes one of a topmost and bottommost item displayed in the tree structure (see col. 9, lines 10-55).

Regarding claim 8, Stead discloses wherein the current ancestor hierarchy display is presented in one location of a graphical user interface (see figures 7-9).

Regarding claim 9, Stead discloses wherein the current ancestor hierarchy display is presented in multiple locations of a graphical user interface (see col. 9, lines 33-55).

Regarding claim 10, Stead discloses wherein items displayed in the tree structure are located in different parent directories (see col. 7, lines 3-44).

Regarding claim 11, Stead discloses wherein the current ancestor hierarchy display displays the current ancestor hierarchies for multiple items in the tree structure (see col. 6, lines 1-34).

Regarding claim 12, Stead discloses first displaying means for displaying data using a tree structure; responsive to a user input to scroll through the data in the tree structure, determining means for determining whether a current ancestor hierarchy of an item is displayed in a designated section of the tree structure (see figures 9-11); and second displaying means for displaying the current ancestor hierarchy for the item in the tree structure in response to determining whether the current ancestor hierarchy of an item is displayed in a designated

section (...terminal nodes are typically characterized as having an ancestor node and no child nodes; see col. 2, lines 35-43).

Regarding claim 13, Stead discloses wherein the display of the current ancestor hierarchy is updated as a new item is displayed in the designated section of the tree structure (see col. 6, lines 35-55 and figures 4-5).

Regarding claim 14, Stead discloses wherein scrolling through the data in the tree structure includes one of dragging a slider in a scroll bar, selecting an up/down button on a keyboard, selecting a page up/page down button on the keyboard, and clicking an up/down arrow on the scroll bar (see figures 2-5).

Regarding claims 15 and 26, Stead discloses wherein the current ancestor hierarchy display is presented by replacing an existing area of the graphical user interface (see col. 11, lines 1-40).

Regarding claims 16 and 27, Stead discloses wherein the current ancestor hierarchy display is presented by adding a dedicated area of the graphical user interface (see col. 8, lines 33-67 and col. 10, lines 40-67).

Regarding claims 17 and 28, Stead discloses wherein the current ancestor hierarchy display is presented in a manner consistent with the tree structure (see figures 7-10).

Regarding claims 18 and 29, Stead discloses wherein the designated section of the tree structure includes one of a topmost and bottommost item displayed in the tree structure (see col. 10, lines 3-39).

As claim 19-22 are analyzed as previously discussed with respect to claims 5-10 above.

Regarding claim 23, Stead discloses first instructions for displaying data using a tree structure; second instructions for determining whether a current ancestor hierarchy of an item is displayed in a designated section of the tree structure responsive to a user input to scroll through the data in the tree structure (see col. 9, lines 10-55 and figures 10-12); and third instructions for displaying the current ancestor hierarchy for the item in the tree structure in response to determining whether the current ancestor hierarchy of an item is displayed in a designated section (see figures 1-3).

Regarding claim 24, Stead discloses wherein the display of the current ancestor hierarchy is updated as a new item is displayed in the designated section of the tree structure (see figures 1-5).

Regarding claim 25, Stead discloses wherein scrolling through the data in the tree structure includes one of dragging a slider in a scroll bar, selecting an up/down button on a keyboard, selecting a page up/page down button on the keyboard, and clicking an up/down arrow on the scroll bar (see col. 1, lines 54-67 and figures 1-2).

As claim 30-33 are analyzed as previously discussed with respect to claims 2-11 above.

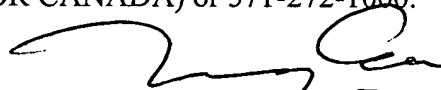
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeza can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Cao (Kevin) Nguyen
Primary Examiner
Art Unit 2173

01/06/07